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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/401,937 | 09/23/1999 | ROBERT A. HUME | CA9-99-002 | 5331 |

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EXAMINER

ABELSON, RONALD B

| ART UNIT | PAPER NUMBER |
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2666

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,937

Applicant(s)

HUME ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Claim Rejections - 35 USC § 102

1. Claims 1 - 3 , and 6 - 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Haran (Comverse Network Systems).

Regarding claims 1 and 8, Haran teaches a method and apparatus for a telephone system (fig. 1) containing common channel signaling and control type having signaling network means for handling switching and control signals (fig. 1 SS7 Network) separate from voice signals (fig. 1 Voice Trunks), said signaling network adapted to respond to and handle calls from wireless subscribers (fig. 1 cell phone) pertaining to requests for services, said signaling network means including means for providing transaction signals (forwards the call to the closest SN, pg. 1048 col. 2 lines 47-49) in response to calls to the telephone system by a wireless subscriber requesting service, said signaling network means further including a message server (Distributed Infinity, pg. 1048 col. 2 lines 29-31).

The system creates message signals that are compatible with the signaling network and service nodes, in response to transaction signals (address resolution query, pg. 1048 col. 2 lines 54-56).

The system comprises a message router connected to the means for creating the message signals for routing the message

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signals to one or more interfaces for service nodes (address resolution query, received by SN "C", pg. 1048 col. 2 lines 54-61).

The system comprises a means for selecting at least one of the service nodes to process message signals by performing arbitration and prioritization among the various service nodes of the network in order to provide requested services to the wireless subscribers (pg. 1048 col. 2 lines 47-49).

The system comprises a means for connecting at least one service node to the message server in order to convey the service provided by the service nodes to the wireless subscriber in response to the requested service (subscriber profile fields are sent back in response, pg. 1048 col. 2 lines 58-61).

Regarding claim 2, the message server means further includes message handler means for sending and/or receiving transaction signals to and/or the signaling network means (forwards the call to the closest SN, pg. 1048 col. 2 lines 47-49).

Regarding claim 3, the message router means includes means for sending and/or receiving message signals to the means for connecting at least one selected server node to the message

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server means (address resolution query, pg. 1048 col. 2 lines 54-56).

Regarding claim 6, the message server means includes service node message handler means for communicating the message signals to and from node interface means of the one or more service nodes (address resolution query, response is received, pg. 1048, col. 2 lines 54-61).

Regarding claim 7, the node interface means to interconnect the service nodes with the message server means includes transaction information manager means for further processing the message signals (forwards the call to the closest SN, pg. 1048 col. 2 lines 47-49, subscriber profile fields are sent back, pg. 1048 col. 2 lines 58-61).

Regarding claim 9, sending and receiving transaction signals to and from the signaling network and the message server means (call reaching MSC "A", pg. 1048 col. 2 line 46), creating transaction signals by the signaling network means in response to calls from wireless subscribers (address resolution query, pg. 1048 col. 2 lines 54-56), selecting a node from a plurality of node interfaces (pg. 1048 col. 2 lines 47-49), and

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communicating the message signals to and from the service node
(pg. 1048 col. 2 lines 58-61).

Allowable Subject Matter

2. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter.

Regarding claim 4, nothing in the prior art of the record teaches or fairly suggests a node selector means based on the nature of the service requested, in combination with the other limitations listed in the claim.

Response to Arguments

3. Applicant's arguments filed 5/9/2003 have been fully considered but they are not persuasive.

Regarding amended claims 1 and 8, the applicant contends that Haran does not teach a means for selecting a service node based on arbitration and prioritization among the various nodes (applicant: pg. 6 1st paragraph). The examiner disagrees, as referenced above, Haran chooses the closest service node.

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Regarding dependent claims 2, 3, and 7 (applicant: pg. 6 2nd paragraph), the examiner disagrees with the applicant that all the limitations of independent claim 1 have not been met.

Regarding claim 4, the examiner agrees with the applicant that Haran does not teach the limitation a node selector means based on the nature of the service requested in the amended claim (applicant: pg. 6 3rd paragraph).

Regarding claim 6, the applicant has not addressed any issues why the claim should be allowable (applicant: pg. 6 3rd paragraph).

Regarding dependent claim 9, (applicant: pg. 6 3rd paragraph), the examiner disagrees with the applicant that all the limitations have not been met.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

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Ronald Abelson
Examiner
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June 11, 2003



DANG TON
PRIMARY EXAMINER